

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TIMOTHY SHEPARD,

Petitioner,
v.

GARY CAPELLO,

Respondent,
_____ /

Case No. 2:09-CV-15007
HONORABLE AVERN COHN
UNITED STATES DISTRICT JUDGE

JUDGMENT

The above entitled matter having come before the Court on a Petition for Writ of Habeas Corpus, Honorable Avern Cohn, a United States District Court Judge, presiding, and in accordance with the Memorandum Opinion and Order entered on May 27, 2011.

IT IS ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that a Certificate of Appealability is DENIED.

IT IS FURTHER ORDERED that Petitioner shall be granted leave to appeal *In Forma Pauperis*.

Dated at Detroit, Michigan, this 27th day of May, 2011.

**DAVID J. WEAVER
CLERK OF THE COURT**

APPROVED:

**BY: s/Julie Owens
DEPUTY CLERK**

**s/Avern Cohn
HON. AVERN COHN
UNITED STATES DISTRICT JUDGE**

09-15007
Shepard v. Capello
Judgment

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to Timothy Shepard, 213526, Baraga Maximum Correctional Facility, 13924 Wadaga Road, Baraga, MI 49908 and the attorneys of record on this date, May 27, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160